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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,343	07/03/2003	Elena Lialiamou	59643.00208	3765

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EXAMINER
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PHUONG, DAI

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/612,343

Applicant(s)

LIALIAMOU ET AL.

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/30/2007 has been entered.

### ***Response to Amendment***

2. Applicant's arguments, filed 12/28/2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-46 are currently pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20, 35-36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda (Pub. No: 2003/0078031) in view of Myatt et al. (Pub. No: 20030101135).

Regarding claim 1, Masuda communications system (fig. 1, [0093]) comprising:

at least one user device 10, said at least one user device configured to access a plurality of services in a session (fig. 1, [0059]. Specifically, Masuda discloses the service request transmitting means 11 transmits connection requests for the voice and packet services);

a first entity including an information store configured to store information defining an amount of money for said at least one user device (fig. 1, [0041] to [0095]); and

wherein the allocation is controlled after the request is made ([0041] to [0095]).

a controller configured to request that in the first entity, a portion of said amount of money be reserved at the first entity, as a reserved portion and to control an allocation of said reserved portion between said plurality of services ([0041] to [0095]),

wherein the allocation is controlled after the request is made ([0041] to [0095]).

However, Masuda does not disclose that a controller, separate to said the first entity and said user device.

In the same field of endeavor, Myatt et al. disclose a controller, separate to said the first entity and said user device, configured to request that in the first entity, a portion of said amount of money be reserved at the first entity, as a reserved portion and to control an allocation of said reserved portion between said plurality of services (fig. 1, [0020] to [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Masuda by specifically including a controller, separate to said the first entity and said user device, configured to request that in the

first entity, a portion of said amount of money be reserved at the first entity, as a reserved portion and to control an allocation of said reserved portion between said plurality of services, as taught by Myatt et al., the motivation being in order to provide account balance management and calculate a reservation amount based on the event date. On the other hand, it determines a service unit quantity based on the reservation amount and reserve the reservation amount against the pre-paid account.

Regarding claim 2, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said reserved portion is divided into a plurality of parts between said plurality of services ([0046] to [0052]).

Regarding claim 3, the combination of Masuda and Myatt et al. disclose all the limitation in claim 2. Further, Masuda discloses a system wherein said reserved portion is divided equally ([0046] to [0052]).

Regarding claim 4, the combination of Masuda and Myatt et al. disclose all the limitation in claim 2. Further, Masuda discloses a system wherein said reserved portion is reallocated between said plurality of services when at least one of said plurality of services uses up its part of said reserved portion ([0040] to [0052]).

Regarding claim 5, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said reserved portion is allocated based on which of said plurality of services requires said reserved portion ([0049]).

Regarding claim 6, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said reserved portion is allocated dynamically ([0052]).

Regarding claim 7, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said reserved portion is allocated based on at least one of: service activity; **number of services**; and a unit cost of said plurality of services ([0040] to [0052]).

Regarding claim 8, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said controller is configured to monitor how much of said reserved portion has been used ([0040] to [0052]).

Regarding claim 9, the combination of Masuda and Myatt et al. disclose all the limitation in claim 8. Further, Masuda discloses a system wherein said reserved amount is monitored by periodically determining how much of said reserved portion each of said plurality of services have used to provide a plurality of values and summing the plurality of values ([0040] to [0052]).

Regarding claim 10, the combination of Masuda and Myatt et al. disclose all the limitation in claim 8. Further, Masuda discloses a system wherein said controller is configured to monitor how much of said reserved portion has been used by using information defining a cost of said plurality of services ([0040] to [0052] and [0088] to [0114]).

Regarding claim 11, the combination of Masuda and Myatt et al. disclose all the limitation in claim 10. Further, Masuda discloses a system wherein said information comprises a cost for one of a data or time unit ([0088] to [0114]).

Regarding claim 12, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein when said reserved portion is used up or has been at least partially used up a further portion of said amount of money is reservable ([0040] to [0052] and [0065]).

Regarding claim 13, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein a plurality of said plurality of services is accessed simultaneously ([0040] to [0052]).

Regarding claim 14, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said information store comprises one of: **a monetary value**; a data amount representative of said amount of money; a time representative of said amount of money; and an amount of a service access parameter ([0040] to [0052] and [0088] to [0114]).

Regarding claim 15, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein at least one of said plurality of services comprises an Internet service ([0088] to [0114] and [0116] and [0121]).

Regarding claim 16, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said controller comprises a plurality of entities (fig. 1 and fig. 14, [0036] to [0048] and [0093]).

Regarding claim 17, the combination of Masuda and Myatt et al. disclose all the limitation in claim 16. Further, Masuda discloses a system wherein said plurality of entities

Art Unit: 2617

comprises at least one of a traffic analyzer (fig. 1 and fig. 14, [0036] to [0048] and [0102] to [0103]) and a credit controller (fig. 1 and fig. 14, [0036] to [0048] and [0095] and [0114]).

Regarding claim 18, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said controller comprises a credit controller (fig. 1 and fig. 14, [0036] to [0048] and [0095]).

Regarding claim 19, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said at least one user device is arranged to access a plurality of different service classed in a session ([0126]).

Regarding claim 20, the combination of Masuda and Myatt et al. disclose all the limitation in claim 1. Further, Masuda discloses a system wherein said controller is configured to store information relating to a cost of said plurality of services ([0088] to [0114] and [0123]).

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 36, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 39, this claim is rejected for the same reason as set forth in claim 1.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



6. Claims 21-29, 31-34, 37-38 and 40-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda (Pub. No: 2003/0078031) in view of Ephraim et al. (Pub. No: 20040077332).

Regarding claim 21, Masuda discloses a communications system (fig. 1 and fig. 14, [0093]) comprising:

at least one user device 10, said at least one user device being configured to access a plurality of services simultaneously (fig. 1, [0037] to [0039] and [0094]);

a first entity configured to store information defining an amount of money for said at least one user device (fig. 1, [0041] to [0095]); and

a controller configured to request reservation of a portion of said amount of money as a reserved portion (fig. 1, [0041] to [0095]), and to control an allocation of said reserved portion between said plurality of services ([0046] to [0048] and [0060] to [0062]).

However, Masuda does not disclose wherein said first entity is configured to send to said controller information defining an amount of said reserved portion in a first form other than a monetary amount and said controller is arranged to convert information relating to said amount of said reserved portion to a second form as a monetary amount.

In the same field of endeavor, Ephraim et al. disclose wherein said first entity is configured to send to said controller information defining an amount of said reserved portion in a first form other than a monetary amount and said controller is arranged to convert information

Art Unit: 2617

relating to said amount of said reserved portion to a second form as a monetary amount ([0040] to [0041] and [0054] to [0055]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Masuda by specifically including wherein said first entity is configured to send to said controller information defining an amount of said reserved portion in a first form other than a monetary amount and said controller is arranged to convert information relating to said amount of said reserved portion to a second form as a monetary amount, as taught by Ephraim et al., the motivation being in order to determine whether a particular requested data transfer should be authorized or continue based upon the amount of payment in term of money to be charged against to subscriber account, it needs to covert an amount of tokens into an amount of money. Additionally, it determines the account of a subscriber has sufficient fun or money to cover an amount of requested data.

Regarding claim 22, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Masuda discloses a system wherein said first entity is configured to store data defining an amount of said reserved portion ([0090] and [0095]).

Regarding claim 23, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Masuda discloses a system wherein said first entity is configured to store a reference name in association with data defining the amount of said reserved portion ([0084] to [0086]).

Regarding claim 24, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 23. Further, Masuda discloses a system wherein said data is one of a cost for

Art Unit: 2617

a unit amount of a payment parameter of at least one service of said plurality of services ([0102] to [0102]).

Regarding claim 25, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 24. Further, Masuda discloses a system wherein said payment parameter is data volume, time, or service parameter of at least one service of said plurality of services ([0101] and [0102]).

Regarding claim 26, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 23. Further, Masuda discloses a system wherein said reference name is a dummy APN ([0084] to [0086]).

Regarding claim 27, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 23. Further, Masuda discloses a system wherein the reservation requested by said controller to said first entity comprises said reference name ([0084] to [0086]).

Regarding claim 28, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 24. Further, Ephraim et al. disclose a system wherein said information in said first form comprises said unit amount ([0041]).

Regarding claim 29, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 28. Further, Ephraim et al. disclose a system wherein said controller is arranged to convert said unit amount to a corresponding monetary amount to provide said second form ([0040] to [0041]).

Regarding claim 31, Ephraim et al. all the limitation in claim 21. Further, Masuda discloses a system wherein said controller operates in accordance with a RADIUS protocol ([0007]).

Regarding claim 32, Ephraim et al. all the limitation in claim 21. Further, Masuda discloses a system wherein said first form comprises at least one of time, data volume, or service access parameter ([0101]).

Regarding claim 33, Ephraim et al. all the limitation in claim 21. Further, Ephraim et al. disclose a system wherein said service access parameter comprises at least one of number of clicks or number of accesses ([0041]).

Regarding claim 34, Masuda discloses all the limitation in claim 21. Further, Ephraim et al. disclose a system wherein said second form comprises monetary value, number of clicks and number of accesses ([0041]).

Regarding claim 37, this claim is rejected for the same reason as set forth in claim 21.

Regarding claim 38, this claim is rejected for the same reason as set forth in claim 21.

Regarding claim 40, this claim is rejected for the same reason as set forth in claim 21.

Regarding claim 41, this claim is rejected for the same reasons as set forth in claim 8.

Regarding claim 42, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 41. Further, Masuda discloses a system wherein said requesting means is configured to monitor how much of said reserved portion has been used by using information defining a cost of said plurality of services ([0050] to [0052]).

Regarding claim 43, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 40. Further, Masuda discloses a system wherein said storing means comprises one of: **a monetary value**; a data amount representative of said amount of money; a time representative of said amount of money; and an amount of a service access parameter ([0038]).

Regarding claim 44, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 40. Further, Masuda discloses a system wherein said requesting means comprises a plurality of entities (fig. 1, [0036]).

Regarding claim 45, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 40. Further, Masuda discloses a system wherein said requesting means comprises a credit controller (fig. 1, [0039]).

Regarding claim 46, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 40. Further, Masuda discloses a system wherein said requesting means is configured to store information relating to a cost of said plurality of services ([0090] and [0095]).

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda (Pub. No: 2003/0078031) in view of Ephraim et al. (Pub. No: 20040077332) and further in view of Myatt et al. (Pub. No: 20030101135).

Regarding claim 30, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 21. But, the combination of Masuda and Ephraim do not disclose a system wherein said first entity operates in accordance with a CAMEL protocol.

In the same field of endeavor, Myatt et al. disclose a system wherein said first entity operates in accordance with a CAMEL protocol ([0021])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of the combination of Masuda and Ephraim by specifically including first entity operates in accordance with a CAMEL protocol, as taught by Myatt et al., the motivation being in order to control and manage voice and data transport on the network.

#### *Response to Argument*

8. Applicant, on page 14 to page 15 of his response, argues that Masuda fails to disclose or suggest the feature of a portion of the amount of money is reserved at the first entity, as recited in claim 20. As discussed above, Masuda is silent with regards to reserving a portion of the amount of money as a reserved portion. However, the Examiner respectfully disagrees. In response, during patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 51 (CCPA 1969). The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). See MPEP 2111. Therefore, the

Art Unit: 2617

Examiner interprets that a mobile user transmits a request message to an entity in advance. The request message includes a reservation which requests the entity reserves \$400 and \$600 for voice and packet services respectively (see paragraph 59 to paragraph 60). Additionally, there are more similar example shows in the reference (20030078031).

Applicant, on page 14 to page 15 of his response, argues that the cited references, taken individually or in combination, fail to disclose or suggest all of the features recited in any of the pending claims. However, the Examiner respectfully disagrees. First, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Second, Ephraim et al. disclose a device determines whether a particular requested data transfer should be authorized or continue based upon the amount of payment in term of money to be charged against to subscriber account, it needs to covert an amount of tokens to money. Additionally, it determines the account of a subscriber has sufficient fun or money to cover an amount of requested data. For that reason, the examiner contends that Ephraim et al. is properly combined with Masuda.

### Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 04/12/07



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